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10/561,418	12/19/2005	Joseph McCrossan	92478-8500	6542

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ART UNIT	PAPER NUMBER
2484	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 December 2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>47 - 51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>47 - 51</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/9/2010</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

12/07/2010 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 47 – 51 filed on 12/07/2010 have

been considered but are moot in view of the new ground(s) of rejection.

       Kikuchi et al (US 7315690) has been replaced with Fujita (US 5930450). Details

for claim 47 are provided below.

Claim Objections

3.   Claim 50 is objected to because of the following informality:

       Claim 50 has only preamble because the word "comprising" does not occur.

        Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

       A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in
the United States.

7.   Claims 47 - 51 are rejected under 35 U.S.C. 102 (b) as being anticipated by

Fujita (US 5930450).

        Regarding **claim 47**, Fujita discloses a reproduction apparatus (title) comprising:

an acquire unit operable to acquire, from a recording medium, a graphics stream

including a data packet and a control packet (col 1, lines 46 – 52, "Accordingly, it is a

primary object of the present invention to provide a recording medium on which various

types of data, such as main picture data, audio data and sub-picture data, constructed

in a reproducible manner, are recorded in such a way that the sub-picture data can be

reproduced after a predetermined time delay with respect to the main picture data."

Illustrates recording medium and data pack and fig 6, col 11, line 57 to col 12, line 1,

"As shown in FIG. 6, each cell 84 is composed of one or more video object units

(VOBU) 85, normally a plurality of video object units (VOBU) 85. Here, a video object

unit (VOBU) 85 is defined as a pack train having a navigation pack (NAV pack) 86 at its

head. Specifically, a video object unit (VOBU) 85 is defined as a set of all the packs

recorded, starting at a navigation pack (NAV pack) 86, to immediately in front of the

next navigation pack. The reproducing time of the video object unit (VOBU) 85

corresponds to the reproducing time of the video data made up of one or more GOP

(Group of Pictures) contained in the video object unit (VOBU) 85 as shown in FIG. 6."

illustrates navigation or control packet, illustrates navigation or control pack)

the data packet including graphics data and a decode time stamp indicating a

decoding time of the graphics data the decode time stamp indicating a start time of a

process for decoding of the graphics data, the first presentation time stamp indicating

an end time of the process (col 4, lines 17 - 20, "the data packs containing packets of

reproduction data including at least one of audio data, video data and sub-picture data,

the time information of that data unit which includes a sub-picture consisting of a

playback start time and playback stop time" and col 20, lines 23 – 31, "The command

(STA.sub.-- DSP) designates the display start time for sub-picture data, and is

described by an offset PTS from PTS described in a sub-picture packet which includes

a sub-picture unit header (start PTS). The command (STP.sub.-- DSP) designates the

display stop time for sub-picture data, and is described by the offset PTS from PTS

described in a sub-picture packet which includes a sub-picture unit header (stop PTS)."

Illustrates start and stop times for decoding graphics data.)

the control packet including a second presentation time stamp indicating a

presentation time which is at or after the end time (col 23, lines 51 – 67, "The system

processor section 54 sends each data cell 84 via the individual buffer sections 59, 61

and 63 to the video decoder section 58, audio decoder section 60 and sub-picture

decoder section 62 to be decoded based on the DTS as decode time information and

the PTS as playback time information. The video data and sub-picture data are mixed

in the mixing section 64, after which the resultant data is converted to a video

signal by the video D/A section 66 to reproduce an image on the monitor section

6. The audio data is converted to an audio signal by the audio D/A section 68

which is sent to the speaker section 8 for sound reproduction. At this time, the

superimposition as sub-picture data is mixed with main picture data to be displayed

when a predetermined time elapses after the display of the main picture data."

illustrates presentation time stamp after decoding which is the end time).(This is the

explanation provided in the spec of the instant invention for the control packet in para

0008 "the control packet has a time stamp whose value indicates a time at which the

graphics data, after being decoded, is displayed combined with the video stream.")

   a processor operable to

   (i) start a process for decoding the graphics data at the start time, and

   (ii) end the process by the end time; and a controller operable to write the

decoded graphics data in a graphics plane by the presentation time, the graphics plane

being an area where the graphics data is rendered (col 9, lines 40 – 62, "The

reproduced data is transferred and stored in a data RAM section 56 by the system

processor section 54 which is controlled by the system CPU section 50 which is

operated in accordance with the programs stored in the system ROM/RAM section 52.

The stored reproduced data is processed at the system processor section 54, which

sorts the data into video data, audio data, and sub-picture data. The video data is sent

via the video buffer section 59 to the video decoder section 58 to be decoded, the audio

data is sent via the audio buffer section 61 to the audio decoder section 66 to be

decoded, and the sub-picture data is sent via the sub-picture buffer section 63 to the

sub-picture decoder section 62 to be decoded. The decoded video data and sub-

picture data are mixed by the mixing section 64, and the resultant data is converted to

an analog video signal by the video D/A section 66. This analog video signal is then supplied to the monitor section 6. The audio data is converted by the audio D/A section 68 to an audio signal which is supplied to the speaker section 8. Then, on the basis of the video signal, an image is displayed on the monitor section 6 and according to the audio signal, sound is simultaneously reproduced from the speaker section 8."

Illustrates the processor decoding graphics data, start time and end time have been established above and the monitor clarifies the rendering process)

     Claims 48 and 49 are rejected based on claim 46 above.

     Claims 50 and 51 are rejected based on claim 47 with the added limitation of a recording apparatus as disclosed by Kikuchi et al (title, abstract, col 1, lines 9 - 14 and col 37, line 11 to col 39 line 50 illustrate the recording process which is similar to the reproducing process described above)

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

    Kikuchi et al (US 7315690) discloses recording medium, recording apparatus and recording method for recording data into recording medium, and reproducing apparatus and reproducing method for reproducing data from recording medium

    Murase et al (US US 5907658) discloses multimedia optical disk, reproduction apparatus and method for achieving variable scene development based on interactive control

    Ando et al (US 6580869) discloses recording medium of stream data including

management information used to access the stream data, and recording method and

playback method of the same

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-

1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./
02/08/2011

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484